

HISTORIC PRESERVATION COMMISSION

Minutes

January 8, 2009

The Historic Preservation Commission for the City of Salisbury met in regular session on Thursday, January 8th in the Council Chambers at the City Hall, 217 S. Main Street. The meeting was called to order by the Chairperson, Anne Lyles. She read the purpose and procedure for the meeting.

In addition to Anne Lyles, the following members were present and introduced: Jack Errante Ronald Fleming, Susan Hurt, Deborah Johnson Judy Kandl, and Andrew Pitner

Absent: Kathy Walters and Anne Waters

Requests for Certificates of Appropriateness

H-01-09 Various properties located in the historic district – City of Salisbury, owner; Michael Crowell, applicant

Request: Blanket approval for cabinets required for the FTTH project. Equipment will be located within street right-of-way or easement, if required on private property. Cabinet will be presented at the meeting.

Michael Crowell, the city's Technology Services Manager, and lead for the city's fiber-to-the-home (FTTH) project, was sworn along with Janet Gapen to give testimony for the request.

In explaining fiber-to-the-home, Mr. Crowell stated that the city would be running fiber cable past every house and business in the city in their effort to offer video, voice and data services to all the citizens and businesses in the city.

Mr. Crowell introduced Mark Parr, the project engineer for the project from Atlantic Engineering Group (AEG) Braselton GA, who has been awarded the contract to do the design and the installation of the fiber plan. The plan includes cabinets that would be located in the city's right-of-ways. Mr. Parr was sworn in to also give testimony for request.

Mr. Crowell explained that one strand leads a central facility which goes into a cabinet and is split up to 32 ways. He said there would probably be about 50 cabinets in the entire city, and so not many cabinets would be required in the historic districts. He said the exact number would be known as soon as the design is completed.

Mr. Parr testified that each cabinet would serve 288 homes, businesses, churches, schools. He said, "We typically try to design with some spare capability for future growth or for damage repair, emergency repairs."

Mr. Crowell informed the Commission that the cabinets can either be mounted on the ground or on a pole. Descriptions were given of both the pole mount version and the ground mounted cabinet and reasons cited as to why a particular cabinet might have been chosen.

Various sized vaults were also shown which included a vault on a pole measuring 36" wide by 48" long and 32" deep. He said any size vault could be pole mounted. A cabinet was shown that measured 18" deep by 2 ½ ft. wide by 3 ft. tall. Mr. Parr stated that the size of vault for the city had not yet been determined.

Mr. Parr stated that every cabinet would have an associated vault that goes with it. The conduit goes about 2 ½ ft. underground and comes up through the bottom of the vault. He said the vault is essentially a box with no bottom in it.

He testified in response to a question from Judy Kandl that the vault and cabinet would be no more than 35 or 40 ft. away from the other; ideally 5-8 ft.

Janet Gapen informed the Commission, as a means of clarification, that the mounting of the cabinets on existing utility poles would not require a Certificate of Appropriateness. She said, "This is coming before you in the event that they need to do a ground-mounted cabinet."

Judy Kandl asked if the cabinet and vaults needed to be located on the street side where there are existing poles or could they be in the back, to which Mr. Parr responded by saying that it depended on where the utilities are routed. He explained that the decision had not been made yet as to whether a cabinet is to be mounted on the ground or on a pole. He said, "Whatever the city of Salisbury prefers, we could go either way." As far as the placement of the cabinet, he continued, whether it's in front of a particular house, in the middle of the street or down on the corner, or off on a side alley; to a degree it would be flexible. He said they would absolutely go out of their way to try to find the most unobtrusive location.

Ms. Kandl then asked what guarantee the Commission would have in granting a blanket approval that the placements would be agreeable to them.

Mr. Parr explained that only existing poles would be used; some which are owned by Duke Power and others by AT&T. He said there would never be a reason to set another pole. However; he continued, there may be cases where existing poles would have to be removed and replaced with taller poles. Using Janet Gapen's estimate of approximately 1200 homes, businesses, churches and schools located in the historic districts, Mr. Parr stated that probably only 5 or 6 cabinets would be needed.

In response to Judy Kandl's question referring to screening, Mr. Parr testified that as long as enough space was left to open the doors of the cabinet or enough space to stand in front of it there would be no problem with screening on all 4 sides.

He further testified that if and when a cabinet is mounted on the ground it would be placed on the opposite side of a utility pole for protection. He said even when placed underground it would be placed where the risk of damage from traffic would be minimal.

Michael Crowell stated that they would get input from city staff as to what they felt would be more appropriate before making any decisions. He said, "We're going to review on a case-by-case basis."

In response to concerns from Anne Lyles, Mr. Parr testified that there is a limit to how much can be put on a power pole. He stated that when a pole is already over-populated they would find another one.

Ms. Lyles requested that whatever is done the historic districts should be consistent. She explained that when new traffic light boxes were placed in the districts it was noticed that all the boxes, except in one district, were painted in a nice color. She said all historic districts should be the same. She was assured by Mr. Parr that the cabinets would be the same throughout.

In response to a question from Andrew Pitner, Michael Crowell stated that in speaking with some of the other cities who are providing fiber to the home, the color of gray or beige seem to be predominantly used. Beige is the color used by AT&T and Time-Warner for all of their cabinets. He explained that when another color is requested there has to be a way to put that color paint on top of the standard color. When that happens, he said, the paint flake off after a number of years; whereas the factory finish is more permanent.

Michael Crowell informed the Commission that the preliminary design should be completed in 3-4 months. The design will then need to be reviewed and approved by Duke Power since the poles belong to them, followed by the city's approval.

In response to Jack Errante's question concerning the width of an easement, Mr. Parr said. "It just depends on the city; in Salisbury I don't know yet." He explained that typically in other states every road has its own easement.

Anne Lyles asked how the placement of the cabinet and vault would be handled at properties where fences have been installed. Mr. Parr said if the fence is on the property line they would avoid putting the vault at that location. He said every effort is made to place it within the utility easement. She then asked if the Commission could be involved in the placement of the cabinets in the historic districts.

Michael Crowell responded, "Believe me; we will have the staff involved all the way through this process." He informed the Commission that the planning staff has already met with AEG to go over design criteria and things the city would like to see that might be outside their normal. He re-emphasized the fact that nothing would be done before it was run by city staff, including staff that deals with the historic districts.

Janet Gapen informed Commission members that her supervisor had already been involved in a lot of the pre-planning of this project.

Michael Crowell stated that there would be a web site available so that anyone interested would be able to go online and keep up with the progression of the project.

Also, he continued, there will be weekly staff meetings between the city staff and AEG and the planning staff would be invited to attend when appropriate.

Public Hearing

There was no one present to speak in support of the proposal.

Mary James, 727 S. Fulton St., located in the West Square Historic District, was sworn to speak.

Ms. James asked the Commission if an approval could be given pending their return with the plans to see exactly where everything will be going.

Janet Gapen reminded Commission members that the request per the application was a request for a blanket approval unless the applicant agreed to change the request which may or may not be feasible for the project.

Mr. Parr said if the Commission feels more comfortable with them coming back for approval of each cabinet they would not have a problem with that request although they would prefer to limit delays. However, 5 or 6 cabinets should not cause too much of a delay, he said.

Deliberation

Anne Lyles suggested the possibility of the approvals being handled by the minor works committee eliminating the need to wait for a monthly meeting.

Janet Gapen said approval could be designated to the minor works committee and then they could bring it back to the subsequent HPC meeting.

Susan Hurt commented that according to the process that has been described she does not think there would be very many boxes, maybe zero that they would even have any say-so about. She said if a vault has to be located on the front or side street, by the HPC guidelines it would need to be screened.

In reference to statements from Jack Errante, David Phillips stated that underground utilities are exempt from the need of a Certificate of Appropriateness. He said if it is on private property there would be an easement involved but more than likely the vaults would be out into the right-of-way.

Judy Kandl presented the following points for consideration - (1) Blanket approval for a cabinet for the downtown district if there needs to be one and HPC review for the residential cabinets, (2) Concurrent review of the location for cabinets so that when the plan goes to Duke Power for review it could be presented at the closest HPC meeting, (3) Do not give a blanket approval for the cabinets that might be located in the current historic districts, the proposed historic districts, National historic districts or any other residential neighborhood.

Anne Lyles agreed with Judy Kandl's objection to a blanket approval.

Andrew Pitner voiced his agreement with the blanket approval along with the minor works committee.

Deborah Johnson stated that she did not have a problem with the blanket approval because they would be working closely with staff.

Michael Crowell again re-emphasized that they would be going out of their way to keep everyone happy, especially because the city wants the property owners to sign up for service.

Janet Gapen informed Commission members that if staff finds any questionable placement when they see the plans then that particular placement could come back before the Commission.

Jack Errante commented that he had reservations about not knowing exactly where the cabinets would be located so he was not in favor of a blanket approval. He would prefer that they come back before the full commission or an approval through the minor works committee.

Susan Hurt reminded Commission members that only the cabinets that will not be on an existing pole would need approval.

Mr. Parr said even if it is mounted on a pole he would still like to come back. He said there is not just one pole in the historic districts but a whole host of poles that could be chosen from. Michael Crowell agreed that coming back before the Commission would not be a problem.

In response to Jack Errante who asked if vandalism might occur to those located on the ground, Mr. Parr said, "Very little." Michael Crowell stated that AT&T and Time-Warner have used the same type cabinet already exist. He said there are no existing problems so he has no reason to expect problems with the city's cabinets.

Mr. Parr also testified that the cabinets are made of steel, but not subject to rust.

In reference to a question from Judy Kandl, Janet Gapen explained that the minor works committee cannot deny any request; if they are not comfortable approving it then it comes back before the Commission.

There being no other questions or discussion, Susan Hurt mad the motion as follows: "I move that the Commission find the following facts concerning Application #H-01-09 – that Michael Crowell, applicant for the City of Salisbury, owner of various properties located in the historic districts appeared before the Commission and sought a Certificate of Appropriateness for blanket approval for cabinets required for the FTTH (Fiber to the Home Project), the cabinets were presented at the meeting and that Mark Parr, Project Manager from Atlantic Engineering, who is contractor for the project appeared before the Commission to support this request, that Mary James appeared before the Commission to ask questions about the request; this request should be granted based on The Secretary of Interior Standards for Rehabilitation, and Chapter 2 Changes to Building – Utilities and Energy Retrofit, page 36 paragraph 4; page 37, guidelines 10 and 13;

and the Salisbury Ordinance, Sect. 18.10, H and K; therefore, I further move that a Certificate of Appropriateness for Application #H-01-09 be granted to Michael Crowell, applicant for the City of Salisbury, owner of various properties located in the historic districts to make the changes detailed in the application with the following changes agreed to by the applicant: that the boxes being located within the existing historic districts will be brought before the minor works committee for further consideration of the selection of locations.”

Jack Errante seconded the motion; all members present voted AYE.

Michael Crowell said they hope to be ready to offer service in mid-2010.

Other Business

Minor works: There were no questions pertaining to the submitted minor work approvals.

Approval of 2009 meeting schedule

Janet Gapen informed Commission members that because of the City Council’s Goals Retreat scheduled for February 12th and 13th, a part of which will be held in the Council Chambers, the 2nd Thursday HPC meeting has been changed to the 3rd Thursday, February 19th.

There being no other changes to the 2009 meeting schedule, Jack Errante made the motion to accept the schedule as presented. The motion was seconded by Susan Hurt and all members present voted AYE.

2009-‘10 HPC Goals

Janet Gapen presented a list of the new goals for review. In response to a question from Jack Errante in reference to the goal to provide assistance to Fulton Heights Neighborhood Association in their consideration for a local district designation, Ms. Gapen said, “That’s to be developed as we move forward.” She said it was specifically a neighborhood initiative.

Following the explanation and discussion of goals Jack Errante made a motion to adopt the goals as presented. The motion was seconded by Susan Hurt and all members present voted AYE.

Blackmer House Committee

Ms. Gapen stated that a meeting would be set up soon for the committee to meet. Persons on the committee are: Susan Hurt, Jack Errante, Judy Kandl; and alternate, Ronald Fleming.

Minutes

The December 2008 minutes were approved upon a motion from Judy Kandl, seconded by Andrew Pitner. All members present voted. AYE.

In reference to a question from Anne Lyles who asked about of the property located in the N. Main Street Historic District where a problem continues to exist, Ms. Gapen stated that nothing has happened yet. She said that address is one on a list with other properties where there have been difficulties in getting compliance with property owners. She said she has had a meeting with her supervisor and the city manager about property owners who are not complying with various ordinances. She has given the city manager all the information that he requested in reference to the problems but she does not know yet what the outcome will be from it. She said the city has been behind the need to strengthen code enforcement which began with the hiring of the new Codes Services Manager, who will also be hiring additional staff. She also informed the Commission that there are still some changes that will be made to the Land Management and Development Department which she would probably have more detail about at the next meeting.

In reference to a question from Judy Kandl, Janet Gapen stated that anything the State Historic Preservation Office has approved, approval is not required from the Commission. She said it is in the guidelines and can be found under minor works.

Adjournment

With no other business to come before the Commission, the meeting was adjourned at 6:50 p.m. with a motion by Jack Errante, seconded by Susan Hurt, and all members present voting AYE>

Anne Lyles, Chairperson

Judy Jordan, Secretary